

### **Remarks**

This Amendment is responsive to the final Office Action mailed August 5, 2005. In that Office Action, claims 8, 9 and 18 were objected to as being recited in improper format; claims 8, 9, 10, and 18-26 were rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter; claims 1, 7-10, and 18-26 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention; claim 10 was rejected under 35 U.S.C. § 102(e) as being anticipated by Vahalia et al. (USPN 6,389,420); claims 1, 6-8, 11, 12, and 14-18 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Vahalia et al.; and claims 2-5, 9, 13, and 19-26 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Vahalia et al. in view of Applicant's admitted prior art.

As a result of this Amendment, claims 16, 17, 19 and 26 are hereby amended and claims 1-15, 18 and 22-25 are hereby canceled. Applicant respectfully notes that these amendments and cancellations are being made without prejudice in hopes of furthering prosecution of the present application to allowance. With that said, reconsideration of this application is respectfully requested in view of the preceding amendments and following remarks.

#### **A. Statement on the Substance of Interviews**

The undersigned kindly thanks Examiner Lilian Vo for her time in preparing for and attending 37 C.F.R. § 1.133 interviews on October 4, 2005 and again on November 4, 2005, in which the undersigned and Examiner Vo discussed the substance of the above-noted rejections as well as the amendments provided above. In these interviews, the undersigned and Examiner Vo discussed distinctions between Vahalia et al. and the claims of the present application. Specifically, in the October 4, 2005 interview, the undersigned argued that Vahalia et al. does not teach or suggest lock information containing an expected lifetime for a conflicting lock object, as recited, for example, in independent claim 19. Examiner Vo disagreed and pointed to teachings in Vahalia et al. regarding time outs.

With no agreement being reached, Examiner Vo agreed to reconsider patentability of the dependent claims over Vahalia et al. and follow-up with a second interview to discuss same. In the November 4, 2005 interview, Examiner Vo noted that the subject matter recited in claims 16, 17, 23 and 26, each of which are originally dependent claims, would be allowable over the art of

record if submitted in independent form by way of amendment. Additionally, with respect to the claims, the undersigned and Examiner Vo discussed various 35 U.S.C. §112 issues namely, the examiner's concern over use of the phrase "cleared" in claim 14 and improper antecedent basis of the phrase "the expected lifetime" in claim 19. Further, Examiner Vo noted that page 25 of the specification would require amendment to replace the attorney docket number with the appropriate application serial number before this application could be passed to allowance.

The following remarks are intended to not only fully respond to the final Office Action dated August 5, 2005, but also provide a complete and accurate record of the substance of the interviews conducted on October 4, 2005 and November 4, 2005.

**B. Claims 1-15, 18 and 22-25**

The rejections and objections to claims 1-15, 18 and 22-25 are moot in view of the cancellations of these claims in this Amendment. It is noted that these cancellations are being made without prejudice, and thus, are not admissions that the Examiner's aforementioned rejections to these claims are proper. Rather, as discussed in the November 4, 2005 interview, claims 1-15, 18 and 22-25 are being canceled in an attempt to further the present application to allowance in expedited fashion. Applicants therefore reserve the right to re-file the subject matter embodied in these claims in a properly filed continuation and traverse the aforementioned rejections therein.

**C. Amendment to the Specification**

The specification has been amended to replace the attorney docket number referenced on page 25 with the appropriate application serial number, as requested by Examiner Vo in the November 4, 2005 interview.

**D. 35 U.S.C. §112 Rejections**

Although claim 14 is hereby canceled, claims 16 and 17 originally depended from claim 14 indirectly. Accordingly, use of the term "cleared" has been changed to "permitted" for purposes of clarifying the present invention and in order to address Examiner Vo's 35 U.S.C. §112 concern noted above. Support for use of the term "permitted" in the context as claimed may be found in the specification on page 22, line 15. In addition, reference to the phrase "the

expected lifetime” has been amended to “an expected lifetime” for proper antecedent basis purposes.

**E. Pending Claims 16, 17, 19-21 and 26**

Generally, the present invention relates to managing the allocation of locks on resources that are requested access by clients. With reference to original claim 14, an embodiment of the present invention is recited as a method for unlocking a locked resource. The method involves receiving a request from a client to access the locked resource by breaking a lock object existing on the resource and determining whether that client is so permitted. If so, the method involves removing the lock object. With reference to original claim 19, another embodiment of the present invention is recited as a system that receives a request to access a resource and determines whether that resource is locked by another client or process. If so, the system returns lock information to the requesting client indicating an expected lifetime of the lock. While original claims 14 and 19 are hereby canceled (i.e., claim 14) or amended (i.e., claim 19), the subject matter recited in claims depending from each of these claims are hereby sought and believed to be in condition for allowance as set forth below.

Claim 16, which originally depended from claim 14 via claim 15, recites an embodiment of the present invention in which the owner of a conflicting lock object is notified of a request to break the lock object prior to the lock object being removed so that a requestor may access the previously locked resource. Furthermore, claim 16 explicitly recites that the lock object is not removed for a predetermined time following such notification. As discussed in the November 4, 2005 interview, Vahalia et al. fails to disclose such a combined notification and wait process and, for at least these reasons, claim 16 is believed allowable over this cited art. Claim 16 is hereby re-written in independent form per the discussions during this interview in furtherance of placing claim 16 in a form that Examiner Vo agrees is so allowable. In addition, the “identifying” act previously recited in claim 14 has been removed from claim 16 in order to clarify that which Applicant claims in accordance with the embodiment recited in claim 16. This particular limitation is not believed to be germane to the subject matter that Examiner Vo agrees is allowable with respect to claim 16.

Like claim 16, claim 17 originally depended from claim 14 via claim 15 and is hereby rewritten in independent form to include the notifying act. Furthermore, claim 17 explicitly recites that the lock object has a timeout property value that is modified to effectively remove the

lock object. As discussed with Examiner Vo in the November 4, 2005 interview, Vahalia et al. fails to disclose such a notification and modification process and, for at least these reasons, claim 17 is believed allowable over this cited art. Also, like claim 16, the “identifying” act previously recited in claim 14 has been redacted as described above.

Claim 19 has been amended to recite features previously recited in claims 22 and 23 and discussed with Examiner Vo as being deficient from the teachings of Vahalia et al. These features include a blocking module that blocks access to the locked resource by the requesting client until the resource is released and an allocation module that allocates a new lock to the requesting client upon such release. With that said, amended claim 19 recites an embodiment of the present invention in which the requesting client requests that the resource is blocked when requesting access thereto (e.g., such that the resource is locked for access by other clients).

The undersigned and Examiner Vo also discussed the allowability of claim 26 and, consequently, claim 26 is hereby rewritten in independent form to include all of the limitations of original base claim 19 and claim 25, the only intervening dependent claim. In short, claim 26 recites an embodiment in which a request to access a resource includes a request to break an existing lock thereon. In this regard, the system recited in claim 26 further recites a determination module that determines whether the requesting client is so authorized and the system only removes the existing lock if the requesting client is an authorized client.

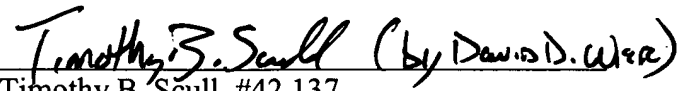
### Conclusion

This Amendment is believed to be fully responsive to all points raised in the final Office Action mailed August 5, 2005. Still, the Office Action may contain other arguments and rejections and that are not directly addressed by this Amendment due to the fact that they are rendered moot in light of the preceding arguments in favor of patentability. Hence, failure of this Amendment to directly address an argument raised in the Office Action should not be taken as an indication that the Applicant believes the argument to have merit. Furthermore, the claims of the present application may include other elements, not discussed in this Amendment, which are not shown, taught, or otherwise suggested by the art of record. Accordingly, the preceding arguments in favor of patentability are advanced without prejudice to other bases of patentability.

Should the Examiner have any remaining questions or concerns, she is encouraged to again contact the undersigned attorney by telephone to expeditiously resolve such concerns. Other than the fee accompanying the RCE, no fees are believed due with this Amendment. Indeed, the transformation of claim 26 to an independent claim is not believed to warrant charge due the concurrent cancellation of independent claim 1. However, if this is not the case, please charge any other required fees, including any extension fees under 37 C.F.R. §1.136(a) necessary to maintain pendency of the present application, to Deposit Account No. 13-2725.

Respectfully submitted,

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 (by David D. Wier)  
Timothy B. Scull, #42,137  
MERCHANT & GOULD P.C.  
P. O. Box 2903  
Minneapolis, MN 55402-0903  
(303) 357-1648